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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,191	12/16/2005	Masayuki Tsuchiya	1254-0300PUS1	3952
2292 7590 06/22/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER ROOKE, AGNES BEATA	
			ART UNIT 1656	PAPER NUMBER
			NOTIFICATION DATE 06/22/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/561,191

Applicant(s)

TSUCHIYA ET AL.

Examiner

Agnes B. Rooke

Art Unit

1656

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-49 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions, which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-7, drawn to a polypeptide of SEQ ID NO:2, to a nucleic acid encoding SEQ ID NO:2, a vector, and transformant and a method of producing the polypeptide.

Group II, claim(s) 2-6, drawn to a nucleic acid of SEQ ID NO:1, a vector, and a transformant.

Group III, claim(s) 8, drawn to an antibody.

Group IV, claim(s) 9, drawn to a screening method.

Group V, claim(s) 10, drawn to a compound that binds polypeptide.

Group VI, claim(s) 11, drawn to a screening method.

Group VII, claim(s) 12, drawn to a compound that inhibits the GDP-fucose.

Group VIII, claim(s) 13, 16, 20, 21, 22, drawn to a cell.

Group IX, claim(s) 14, 20, 21, 22, drawn to a cell.

Group X, claim(s) 15, 16, 20, 21, 22, drawn to a cell.

Group XI, claim(s) 17, 18, 20, 21, 22, drawn to a cell.

Group XII, claim(s) 19, 20, 21, 22, 23, drawn to a cell.

Group XIII, claim(s) 24, 25, drawn to a targeting vector.

Group XIV, claim(s) 26, 30-35, drawn to a method for producing a recombinant protein.

Group XV, claim(s) 27, 30-35, drawn to a method of producing a recombinant protein.

Group XVI, claim(s) 28, 30-35, drawn to a method for producing a recombinant protein.

Group XVII, claim(s) 29-35, drawn to a method for producing a recombinant protein.

Group XVIII, claim(s) 36, 38-40, 42, 43, drawn to a method of inhibiting the addition of fucose.

Group XIX, claim(s) 37-40, 42, 43, drawn to a method of inhibiting the addition of fucose.

Group XX, claim(s) 41-43, drawn to a method of inhibiting the addition of fucose.

Group XXI, claim(s) 44, 49, drawn to a method of increasing the cytotoxic activity.

Group XXII, claim(s) 45, 49, drawn to a method of increasing the cytotoxic activity.

Group XXIII, claim(s) 46, 49, drawn to a method of increasing the cytotoxic activity.

Group XXIV, claim(s) 47, 49, drawn to a method of increasing the cytotoxic activity.

Group XXV, claim(s) 48, 49, drawn to a method of increasing the cytotoxic activity.

The inventions listed as I-XXVII do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

Invention I claims polypeptide of SEQ ID NO:2 and invention II is directed to a distinct nucleic acid that encodes distinct polypeptide. Invention III is directed to an antibody that has distinct structure and function when compared to inventions I and II. Inventions IV, VI, XIV-XXV are directed to different methods that utilize different steps and different substrates and have distinct starting and ending points. Inventions V and VII are directed to a compound of different compositions. Invention XIII is directed to a

distinct targeting vector. Inventions VIII-XII are directed to distinct cells. Therefore, the inventions lack the same or corresponding technical features.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(l).

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

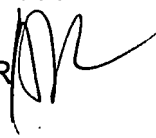
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Agnes Rooke whose telephone number is 571-272-2055. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathleen Kerr Bragdon can be reached on 571-272-0931. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

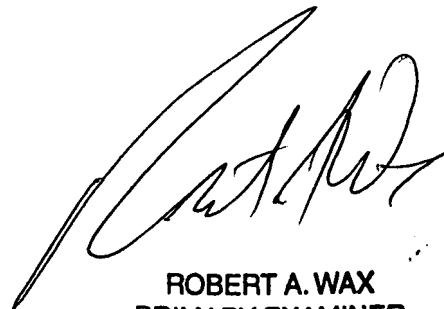
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information about the PAIR system, see <http://pair-direct.uspto.gov> or call 866-217-9197.

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ROBERT A. WAX
PRIMARY EXAMINER